

Tue Apr 12 07:56:22 EDT 2022
EPAExecSec <EPAExecSec@epa.gov>
FW: Bristol Bay - Letter Supporting Participation in the 404(c) Process
To: "CMS.OEX" <cms.oex@epa.gov>

Reading file

From: Kiekow Heimer, Taryn <tkiekowheimer@nrdc.org>
Sent: Monday, April 11, 2022 5:37 PM
To: Regan, Michael <Regan.Michael@epa.gov>; Fox, Radhika <Fox.Radhika@epa.gov>; Pirzadeh, Michelle <Pirzadeh.Michelle@epa.gov>
Cc: Nishida, Jane <Nishida.Jane@epa.gov>; Cassady, Alison <Cassady.Alison@epa.gov>; Dieu, Martin <Dieu.Martin@epa.gov>; Berrios, Lisa <Berrios.Lisa@epa.gov>; Sabater, Juan <Sabater.Juan@epa.gov>; R10BristolBay <R10BristolBay@epa.gov>; Enobakhare, Rosemary <Enobakhare.Rosemary@epa.gov>; Matthew.G.Lee-Ashley@ceq.eop.gov; Emily.h.menashes@ceq.eop.gov; Brenda.mallory@ceq.eop.gov; Stephenne.S.Harding@ceq.eop.gov; sara.r.gonzalez-roth@ceq.eop.gov; Aguirre, Janita <Aguirre.Janita@epa.gov>; jreynolds@nrdc.org; tim bristol (timsalmonstate@gmail.com) <timsalmonstate@gmail.com>; Emily Anderson <eanderson@wildsalmoncenter.org>; Sam Snyder <ssnyder@wildsalmoncenter.org>
Subject: Bristol Bay - Letter Supporting Participation in the 404(c) Process

Dear Administrator Regan, Assistant Administrator Fox, and Acting Regional Administrator Pirzadeh:

On behalf of the Natural Resources Defense Council, SalmonState, and Wild Salmon Center, attached please find a letter supporting the recent requests made by United Tribes of Bristol Bay, Bristol Bay Regional Seafood Development Association, and Commercial Fishermen for Bristol Bay urging EPA to release a revised Proposed Determination and hold public hearings before the start of the fishing season so that the communities and fishermen of Bristol Bay can fully participate in the 404(c) administrative process.

We support EPA in completing the 404(c) process by the end of the 2022 fishing season in Bristol Bay, and we are committed to assisting you and your staff in any way possible to achieve that goal. Thank you for your leadership on this issue.

Best,

Taryn Kiekow Heimer

Taryn Kiekow Heimer

Senior Advocate

Deputy Director, Marine Mammal Protection Project

Nature Program

Natural Resources Defense Council

1314 Second Street

Santa Monica, CA 90401

M 310.910.8291
tkiekowheimer@nrdc.org
NRDC.ORG

Please save paper.
Think before printing.



April 11, 2022

Administrator Michael Regan
Assistant Administrator Radhika Fox
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., N.W.
Washington, DC 20460

Acting Regional Administrator Michelle Pirzadeh
U.S. Environmental Protection Agency, Region 10
Regional Administrator's Office, RA-140
1200 Sixth Avenue, Suite 900
Seattle, WA 98101

Email: regan.michael@epa.gov
fox.radhika@epa.gov
pirzadeh.michelle@epa.gov

Re: Further Support for Recent Requests for Imminent Action to Protect the Bristol Bay Region from the Proposed Pebble Mine Under Section 404(c) of the Clean Water Act

Dear Administrator Regan, Assistant Administrator Fox, and Acting Regional Administrator Pirzadeh:

On behalf of the Natural Resources Defense Council, SalmonState, and Wild Salmon Center—and our millions of members and activists—we write in further support of the formal requests from the Tribes, commercial fishermen, businesses, and communities of the Bristol Bay region for the U.S. Environmental Protection Agency (EPA) to permanently protect Bristol Bay under Section 404(c) of the Clean Water Act by this summer.

Our request echoes and amplifies the recent letters sent on April 11, 2022 from United Tribes of Bristol Bay (UTBB) and April 4, 2022 from the Bristol Bay Regional Seafood Development Association (BBRSDA) and Commercial Fishermen for Bristol Bay (CFBB) urging EPA to act expeditiously and hold public hearings before the start of this fishing season:

[W]e respectfully request that [EPA] releases your Proposed Determination (PD) at least two weeks prior to May 31st, and that you hold a public hearing before the summer 2022 fishing season. Since many people will be unable to participate in any public hearings that occur after mid-June due to the start of the fishing season, this timeline would ensure that those in the region have the opportunity to

Administrator Michael Regan
Assistant Administrator Radhika Fox
Acting Regional Administrator Michelle Pirzadeh
U.S. Environmental Protection Agency
April 11, 2022
Page 2

comment and engage in the process while also guaranteeing that Bristol Bay receives the critical protections it deserves, without any further delay.¹

We ask that your agency understand that Bristol Bay's fishermen, seafood processors, and local residents will be completely consumed with fishing from mid-June through the end of July. Our fleet and industry will be largely unable to participate and engage in any public hearings that occur after mid-June. ... Therefore, we urge you to release the Proposed Determination at least two weeks prior to May 31st. This timeline would ensure that our industry has ample chance to comment and engage in the process while also ensuring that the future of Bristol Bay does not become a political pawn in future administrations.²

Bristol Bay is home to the world's largest wild sockeye salmon fishery, supplying 57 percent of the world's wild sockeye salmon, generating \$2.2 billion annually, supporting 15,000 American jobs, and sustaining a traditional subsistence way of life for Bristol Bay's indigenous peoples since time immemorial. This season, Bristol Bay is forecasted to shatter records with the return of 73.4 million salmon. Integral to that extraordinary run is the environmental sustainability of the region—something the science unequivocally confirms that the proposed Pebble Mine would jeopardize.

Given the overwhelming public support, clear science, and existing administrative record supporting immediate 404(c) action, EPA should act quickly to complete the 404(c) process in a manner that ensures the people of Bristol Bay are able to participate before the summer fishing season commences in mid-June.

The message is as crystal clear as Bristol Bay's legendary waters:

As Bristol Bay's fishermen prepare their boats and fishing gear, we ask that you and your agency do everything in your power to complete this process quickly and to ensure that our fishermen are given the chance to contribute and participate in the Section 404(c) process before heading out on the water.³

Our groups urge EPA to grant UTBB, BBRSDA and CFBB's requests to release a revised Proposed Determination protecting Bristol Bay under Section 404(c) at least two weeks prior to May 31, 2022, as well as to hold public hearings before the start of the fishing season so that the communities and fishermen of Bristol Bay can fully participate in the process. Prompt action by the agency will demonstrate EPA's undiminished determination to address the urgent concerns

¹ Letter from Robert Heyano, UTBB President, to Michael Regan, EPA Administrator, dated April 11, 2022.

² Letter from Andy Wink, BBRSDA Executive Director, and Katherine Carscallen, CFBB Executive Director, to Michael Regan, EPA Administrator, dated April 4, 2022.

³ Id.

Administrator Michael Regan
Assistant Administrator Radhika Fox
Acting Regional Administrator Michelle Pirzadeh
U.S. Environmental Protection Agency
April 11, 2022
Page 3

that, for more than a decade, have necessitated the unrelenting defense by Bristol Bay Tribes and commercial fishermen of their communities, their culture, their livelihoods, and their way of life.

We stand by to support swift EPA action and a robust administrative process that ensures the people of Bristol Bay can begin the fishing season by participating in the 404(c) process and end the fishing season with durable 404(c) Clean Water Act protections in place. Promptly securing 404(c) permanent protections for Bristol Bay would end the uncertainty that, for far too long, has threatened the future of Bristol Bay's Tribes, Alaska's fishing industry, and all Americans who seek to conserve this extraordinary national treasure.

Sincerely,

Taryn Kiekow Heimer, Senior Advocate
Natural Resources Defense Council

Tim Bristol, Executive Director
SalmonState

Emily Anderson, Alaska Director
Wild Salmon Center